

Plaintiffs' Exhibit 28

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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF VIRGINIA

3 ALEXANDRIA DIVISION

4 UNITED STATES OF AMERICA, et al.,

5 Plaintiffs,

6 Case No. 1:23-cv-00108

7 v.

8 HON. LEONIE H. M. BRINKEMA

9 GOOGLE LLC,

10 Defendant.

11
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13 VIDEOTAPED DEPOSITION OF :

14 GABRIEL WEINTRAUB, PH.D.,

15 was held on Thursday, February 28, 2024, commencing at 9:49
16 a.m., at the Department of Justice, 450 Fifth Street,
17 Northwest, Washington, D.C. 20530, reported by Jeaninn Alexis,
18 Notary Public.

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Job No. CS6464582

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1 BY MR. EWALT:

2 Q But doesn't your First Look model assume
3 that publishers have the ability to do -- to solve an
4 optimization problem using the same information that
5 they would need to solve the multistep approach
6 optimization problem?

7 MS. HANSEN: Object to the form.

8 THE WITNESS: So, what I'm saying is that,
9 in my assumption, the -- the exchange, in the top, is
10 solving a simpler optimization problem. So, there is
11 some optimization going on, but it's a simpler
12 optimization problem than if you were to assume this
13 multiple-step forward-looking behavior. In my opinion,
14 that simpler optimization problem is based on the
15 evidence. So, it's closer to reality relative to the
16 more sophisticated optimization problem.

17 MR. EWALT: All right. Let's take a break.
18 Go off the record.

19 THE VIDEOGRAPHER: We're now off record at
20 6:26 p.m.

21 (Short recess taken.)

22 THE VIDEOGRAPHER: We're now back on the

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1 record at 6:37 p.m.

2 You may proceed.

3 BY MR. EWALT:

4 Q In your reports, did you offer any opinion
5 about the effects of Google's acquisition of
6 DoubleClick?

7 MS. HANSEN: Object to the form.

8 THE WITNESS: I did not offer an opinion on
9 Google's acquisition. I discuss it -- let me be
10 more precise. I discuss, I mention it, and --
11 and then, you know, the -- the role it played on
12 Google acquiring the -- the exchange, the ad server.
13 And -- and then I offer an opinion on the
14 exclusivities that follow, the restrictions that
15 follow. So, it's -- you know, the acquisition is --
16 is -- is -- is -- is described in my report, and
17 I guess it's related to some of the things I -- I --
18 I -- I -- I -- I describe.

19 BY MR. EWALT:

20 Q In your reports, did you offer any opinions
21 about the effects of Google's acquisition of Admeld?

22 MS. HANSEN: Object to the form.

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1 THE WITNESS: In my report, I do not believe
2 I offer an opinion on the effects of Google's
3 acquisitions of Admeld.

4 BY MR. EWALT:

5 Q In your reports, did you offer any opinions
6 about the effects of Project Bernanke?

7 MS. HANSEN: Object to the form.

8 THE WITNESS: In my report, I discuss
9 buy-side DRS, which is a precursor of Bernanke, to the
10 extent that data -- scale and data provides an advantage
11 and the denial of scale and data provides a disadvantage
12 in implementing a buy-side and DRS-type algorithm. So, I
13 -- I -- I describe buy-side DRS to that extent.

14 BY MR. EWALT:

15 Q Did you offer any opinions about the effects of
16 Project Bernanke?

17 MS. HANSEN: Object to the form.

18 THE WITNESS: I did not, even though I mention
19 it as an example of how data and the lack of data can
20 help or hurt a firm implementing buy-side DRS. I do not
21 offer a specific opinion on the effect of Bernanke on
22 rivals' scale.

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1 CERTIFICATE OF REPORTER/NOTARY PUBLIC

2 DISTRICT OF COLUMBIA, to wit:

3 I, JEANINN ALEXIS, a Notary Public in the
4 District of Columbia do hereby certify that the
5 within-named witness personally appeared before me at
6 the time and place herein set out and after having
7 been duly sworn by me, according to law, was examined
8 by counsel.

9 I further certify that the examination was
10 recorded stenographically by me and this transcript is
11 a true record of the proceedings.

12 I further certify that I am not of counsel
13 to any of the parties, nor in any way interested in
14 the outcome of this action.

15 As witness my hand and notarial seal this
16 4th day of March, 2024.

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18 
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Jeaninn Alexis,
Notary Public

20 My Commission Expires: January 14th, 2029
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ERRATA SHEET FOR THE TRANSCRIPT OF:

Case Name: *United States et al. v. Google LLC*, No. 1:23-cv-00108 (E.D. Va.)

Deposition Date: 2/29/2024

Deponent: Gabriel Weintraub

Page	Line	Change	Reason
1	15	“February 28” should be “February 29”	Clarification.
5	6	“plaintiff” should be “defendant”	Clarification.
10	8	“being” should be “to be”	Transcription error.
12	5	“That” should be “And”	Transcription error.
35	21	“GOOG-DOJ-AT-022-04351” should be “GOOG-DOJ-AT-02204351”	Transcription error.
40	22	“10.64 percent” should be “by 10.64 percent”	Clarification.
75	20	“T DRS” should be “tDRS”	Transcription error.
78	4	“DRS was a change of V1” should be “DRS V2 was a change of V1”	Clarification.
122	15	“spend” should be “spend everything”	Transcription error.
124	6	“Poirotan” should be “Poirot on”	Transcription error.
124	7	“your” should be “their”	Transcription error.
124	22	“drivey” should be “driven”	Transcription error.
133	19	“implementing in UPR” should be “implementing UPR”	Transcription error.
138	11	“impressions, which are” should be “impressions which are”	Transcription error.
145	16	“renewal” should be “removal”	Transcription error.
154	19	“we’re” should be “we were”	Transcription error.
157	11	“Lee’s” should be “Israel’s”	Transcription error.
159	4	“DV360” should be “DV360 on”	Transcription error.
187	2	“study” should be “studied”	Transcription error.

192	5	“medium” should be “to medium”	Transcription error.
217	16	“abstraction” should be “abstraction”	Transcription error.
217	16	“abstraction” should be “abstraction”	Transcription error.
226	22	“second.” should be “second, okay?”	Transcription error.
243	11	“index” should be “Index”	Transcription error.